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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,971	01/21/2000	William J. Baer	STL000015US1	5172
23373	7590	05/18/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			BASHORE, WILLIAM L.	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/488,971

Applicant(s)

BAER ET AL.

Examiner

William L. Bashore

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications: Request For Reconsideration (hereinafter the Request) filed 12/22/2004, to the original application filed 1/21/2000. IDS filed 1/29/2004, and 6/25/2004.
2. Regarding IDS filed 6/25/2004, it is noted that reference PowerPoint Presentation remains unconsidered because the examiner cannot find any verifiable date on said reference (see Response to Arguments below).
3. Claims 1-27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over ezWriter and Bromberg.
4. Claims 28-39 remain rejected under 35 U.S.C. 103(a) as being unpatentable over ezWriter, Bromberg, and Poole.
5. Claims 1-43 pending. Claims 1, 4, 8, 11, 15, 18, 40, 42 are independent claims.

#### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-27, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over ezWriter 2.0 for Windows (hereinafter ezWriter), August 5, 1998 by Lance Vaughn, Atlanta, IN, downloaded from <<http://www.winsite.com>> on 6/22/2003, application screenshots pages 1-15, in view of Bromberg et al. (hereinafter Bromberg), U.S. Patent No. 6,529,889 issued March 2003.

In regard to independent claim 1, ezWriter teaches a method of reordering content in a plurality of content entities (.rtf files), stored in the ezWriter directory (a data repository, i.e. Windows Explorer accessing ezWriter's file directory of a hard drive), each entity identified by its filename and .rtf extension. Each .rtf file reflects a different section of a work (ezWriter page 3, 7, 15). The limitation of said rtf files stored as a content

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object would have been obvious to one of ordinary skill in the art at the time of the invention, in view of ezWriter, because of ezWriter's teaching of said rtf files connected via an ezWriter file (.ezw). An ezWriter file is an index of (or a set of pointers to) the saved rtf files, said ezWriter file showing the hierarchical connections to the set of files (ezWriter page 7). Since both the .ezw file ("Welcome to ezWriter.ezw") along with all referenced rtf files are stored in the same directory, this provides a reasonable suggestion to the skilled artisan that this collection of files with index can be interpreted as a content object, since all associated files are grouped and associated accordingly (ezWriter page 15) (compare with claim 1 "*A method for reordering content in a content object stored as a plurality of hierarchically related content entities in a data repository, each content entity having an identifier, comprising the steps of:*"). This provides ezWriter the benefit of increased organization by combining all sections of an author's story in a single content object.

EzWriter teaches that an ezw file defines the hierarchical organization of a set of related rtf files (a plurality of content entities) (ezWriter page 8). A user can change the displayed hierarchical structure by selecting [Outline, Edit], editing the ezw file, saving said file, then refreshing the Outline (ezWriter pages 8-11). Pages 9-11 illustrate the redefining of the rtf files, subsequent to relocation of one of the files (compare with claim 1 "*defining the content object with a list of content entity identifiers such that moving a content entity identifier to a new location within the list redefines the order of the object's content entities.*", and "*A method for reordering content...*").

EzWriter does not specifically teach parent and child containers adhering to inheritance, with said containers containing content entities. However, Bromberg teaches Acappella Designer, encompassing a topic hierarchy, and a display for displaying questions, etc. related to each topic (Bromberg Abstract, column 5 lines 27-35, column 16 lines 13-18). The designer uses a process called "rollup" which the premise that each container (parent container) in the hierarchy contains information on the activity of the containers that are subordinate to it (child containers), said containers containing content (i.e. questions, etc.). Bromberg also teaches a hierarchical table (Bromberg column 18 lines 40-65, see also column 17 lines 27-40, column 19 lines 10-20 and 22-34) (compare with claim 1 "*wherein the hierarchically related content entities... can contain*

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*content entities*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bromberg to EzWriter, providing EzWriter the benefit of hierarchical containers within its set of files making set wide edits, etc. possible.

**In regard to dependent claim 2**, ezWriter teaches content entities in the form of .rtf files. The outline in ezWriter's left pane reflect the hierarchical structure of the set of said .rtf files. A user specifies said hierarchical structure (user specification) by editing the corresponding .ezw file in Notepad (ezWriter pages 9-11).

**In regard to dependent claim 3**, ezWriter teaches a user interface in communication with files on a storage (typically a hard drive). EzWriter allows editing (moving) of rtf files via the use of Notepad within ezWriter (ezWriter pages 8-11). EzWriter also teaches a planned improvement of allowing modification of the outline without having to edit the source file (ezWriter page 12, bullet 5).

**In regard to independent claim 4**, claim 4 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

EzWriter teaches a hierarchically structured outline window display of related .rtf files (ezWriter page 4; compare with claim 4 "*hierarchically structured*").

EzWriter does not specifically teach parent and child containers adhering to inheritance, with said containers containing content entities. However, Bromberg teaches Acappella Designer, encompassing a topic hierarchy, and a display for displaying questions, etc. related to each topic (Bromberg Abstract, column 5 lines 27-35, column 16 lines 13-18). The designer uses a process called "rollup" which the premise that each container (parent container) in the hierarchy contains information on the activity of the containers that are subordinate to it (child containers), said containers containing content (i.e. questions, etc.). Bromberg also teaches a hierarchical table (Bromberg column 18 lines 40-65, see also column 17 lines 27-40, column 19 lines

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10-20 and 22-34) (compare with claim 4 “*wherein the hierarchically related content entities ... can contain content entities*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bromberg to EzWriter, providing EzWriter the benefit of hierarchical containers within its set of files making set wide edits, etc. possible.

**In regard to dependent claim 5**, ezWriter teaches content entities in the form of .rtf files. The outline in ezWriter’s left pane reflect the hierarchical structure of the set of said .rtf files. A user specifies said hierarchical structure (user specification) by editing the corresponding .ezw file in Notepad (ezWriter pages 9-11).

**In regard to dependent claim 6**, ezWriter teaches a user interface in communication with files on a storage (typically a hard drive). EzWriter allows editing (moving) of rtf files via the use of Notepad within ezWriter (ezWriter pages 8-11). EzWriter also teaches a planned improvement of allowing modification of the outline without having to edit the source file (ezWriter page 12, bullet 5).

**In regard to dependent claim 7**, ezWriter teaches that its invention is to assist with the organization of outlines, concepts, notes, and chapters. The author (a Science-Fiction writer), used said invention to maintain files associated with a Science-Fiction Trilogy (ezWriter page 3).

**In regard to dependent claim 22**, EzWriter does not specifically teach calculating costs. However, Bromberg teaches “rollup” which calculates a cost of a question (true/false, etc.), and propagates said cost up the tree, depending upon the costs of the elements within the child containers (Bromberg column 18 lines 40-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bromberg to EzWriter, providing EzWriter the benefit of analyzing costs of various questions answered in a prepared questionnaire, or textbook, etc. created by EzWriter.

**In regard to dependent claim 23**, EzWriter does not specifically teach calculating costs. However, Bromberg teaches “rollup” which calculates a cost of a question (true/false, etc.), and propagates said cost up the tree, depending upon the costs of the elements within the child containers (Bromberg column 18 lines 40-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bromberg to EzWriter, providing EzWriter the benefit of analyzing costs of various questions answered in a prepared questionnaire, or textbook, etc. created by EzWriter.

**In regard to claims 8-10, 24**, claims 8-10, 24 reflect the program storage device comprising computer executable instructions used for performing the method steps as claimed in claims 1-3, 22, respectively, and are rejected along the same rationale.

**In regard to claims 11-14, 25**, claims 11-14, 25 incorporate substantially similar subject matter as claimed in claims 4-7, 23, respectively, and are rejected along the same rationale.

**In regard to claims 15-17, 26**, claims 15-17, 26 reflect the system comprising computer readable instructions used for performing the method steps as claimed in claims 1-3, 22, respectively, and are rejected along the same rationale.

**In regard to claims 18-21, 27**, claims 18-21, 27 reflect the system comprising computer readable instructions used for performing the method steps as claimed in claims 4-7, 23, respectively, and are rejected along the same rationale.

**In regard to independent claim 40**, claim 40 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

EzWriter teaches an index file (.ezw) which keeps a list of each .rtf file. (ezWriter page 10). The user movement of one file to another location in said index file defines the hierarchical file position relative to all other files. Hierarchical presentation of ezWriter (combined with Bromberg's containers etc.) teaches that the destination of a moved .rtf file results in said .rtf file becoming a child of its parent file (i.e. the hierarchical listing can be broken down into a number of related sub-lists, or branches) (compare with claim 40 "*wherein moving a content entity identifier in the first list to a new location comprises: selecting the content entity identifier from the first list of content entity identifiers to be moved; and specifying a location from a second list of content entity identifiers where the content entity identifier from the first list of content entity identifiers is to be moved; wherein the specified location comprises at least one of a current content entity identifier or a newly created content entity identifier.*").

**In regard to dependent claim 41**, ezWriter teaches selection of a destination content entity (a sub-list or branch, as explained in the rejection of claim 40). The index file used for user manipulation (ezWriter Figure 10) is obtained via Outline, Edit option of a drop down menu (ezWriter page 8, bottom section).

**In regard to independent claim 42**, claim 42 incorporates substantially similar subject matter as claimed in claim 40, and in further view of the following, is rejected along the same rationale.

EzWriter does not specifically teach a database. However, Bromberg teaches association with databases (Bromberg Figure 3, column 19 lines 44-46; compare with claim 42 "*a computer database*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bromberg to ezWriter, providing ezWriter the benefit of database to facilitate a more orderly and efficient arrangement of stored data.

**In regard to dependent claim 43**, claim 43 incorporates substantially similar subject matter as claimed in claim 41, and is rejected along the same rationale.



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8. **Claims 28-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over ezWriter and Bromberg, as applied to claims 1, 4, 8, 11, 15, 18, above, and further in view of Poole et al. (hereinafter Poole), U.S. Patent No. 6,006,242 issued December 1999 (cited in Applicant's IDS).**

**In regard to dependent claim 28, EzWriter does not specifically teach an identifier with a format as claimed in claim 28. However, Poole teaches dynamically creating a document comprising a Parties business object, said object containing a number of sub-objects and items: "Parties.Items(1).Type" (Poole column 36 lines 18-23, 39-40, 43), can be interpreted as parent container/child container/content entity, exhibiting inheritance within a hierarchical system. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Poole to EzWriter, providing EzWriter the benefit of a struct oriented implementation for more efficient programming (i.e. C, C++, Java, etc.).**

**In regard to dependent claim 29, ezWriter teaches that its invention is to assist with the organization 4 of outlines, concepts, notes, and chapters. Since EzWriter teaches that the author used said invention to maintain files associated with a Science-Fiction Trilogy (ezWriter page 3), said book typically containing chapters and sections, therefore the typical parts of said book can be fairly interpreted as fitting into the containers as taught by ezWriter, Bromberg, and Poole.**

**In regard to dependent claim 30, EzWriter does not specifically teach an identifier with a format as claimed in claim 28. However, Poole teaches dynamically creating a document comprising a Parties business object, said object containing a number of sub-objects and items: "Parties.Items(1).Type" (Poole column 36 lines 18-23, 39-40, 43), can be interpreted as parent container/child container/content entity, exhibiting inheritance within a hierarchical system. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Poole to EzWriter, providing EzWriter the benefit of a struct oriented implementation for more efficient programming (i.e. C, C++, Java, etc.).**

**In regard to dependent claim 31**, ezWriter teaches that its invention is to assist with the organization of outlines, concepts, notes, and chapters. Since EzWriter teaches that the author used said invention to maintain files associated with a Science-Fiction Trilogy (ezWriter page 3), said book typically containing chapters and sections, therefore the typical parts of said book can be fairly interpreted as fitting into the containers as taught by ezWriter, Bromberg, and Poole.

**In regard to dependent claims 32, 33**, claims 32, 33 reflect the program storage device comprising computer executable instructions used for performing the method steps as claimed in claims 28, 29, respectively, and are rejected along the same rationale.

**In regard to dependent claims 34, 35**, claims 34, 35 incorporate substantially similar subject matter as claimed in claims 30, 31, respectively, and are rejected along the same rationale.

**In regard to dependent claims 36, 37**, claims 36, 37 reflect the system comprising computer readable instructions used for performing the method steps as claimed in claims 28, 29, respectively, and are rejected along the same rationale.

**In regard to dependent claims 38, 39**, claims 38, 39 reflect the system comprising computer readable instructions used for performing the method steps as claimed in claims 30, 31, respectively, and are rejected along the same rationale.

#### ***Response to Arguments***

9. Applicant's arguments filed 12/22/2004 have been fully and carefully considered but they are not persuasive.

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Applicant argues on page 1-2 of the Request that the Power Point presentation listed on PTO-1449 should be considered. The examiner respectfully notes that section 609 item III(A1) (page 600-121 of MPEP 8<sup>th</sup> Edition), titled "Minimum Requirements For An Information Disclosure Statement", recites in pertinent part: "Each publication must be identified by publisher, author (if any), title, relevant pages of the publication, and date and place of publication." (underlining added). In view of the above, the Power Point reference remains stricken at the present time because the examiner cannot find any verifiable date on both said form, and within said reference.

Applicant argues on pages 3-6 of the Request ezWriter does not teach containers. The examiner respectfully notes that ezWriter hierarchically maps various related text files of an authored literary work, with each section of work encapsulated within a separate rtf file. Each file can be interpreted as a separate content object, which are hierarchically organized/re-organized by a user accordingly. Page 8 of ezWriter also recites in terms of "parent" and "child" entries, etc. (at least suggesting a form of hierarchical inheritance).

Since ezWriter does not specifically disclose "containers", the examiner introduces Bromberg's parent/child container types to teach this limitation. It is respectfully noted that ezWriter's index file maps each .rtf file (one file per section) into a hierarchical tree with parent and child relationship levels (see ezWriter page 8). Bromberg's parent and child containers are combined with ezWriter's parent and child tree representation to teach and/or suggest Applicant's invention as currently claimed. Since a "container" in the object oriented art serves to encapsulate specific data, Bromberg can be applied to ezWriter so that each content file (representing a literature section) can be contained in its own container, therefore adding hierarchical programming functionality to ezWriter's hierarchical mapping.

Bromberg's rollup feature allows ezWriter to make set wide edits (this can be important when making edits to a chapter of a novel or screenplay, said editing affecting only related chapters accordingly). In addition, Bromberg's containers utilize inheritance accordingly.

*Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

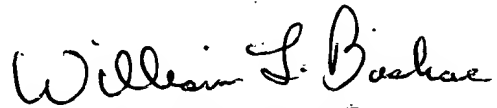
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on 11:30am - 8:00pm EST. During the month of October 2004, the examiner's telephone number will transition to (571) 272-4088.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. During the month of October 2004, the supervisor's telephone number will transition to (571) 272-4090.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**

May 13, 2005